

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

UNITED STATES OF AMERICA

V.

NO. EP: 22 CR 00773-1-DB

ADRIAN GIL

MOTION FOR NEW TRIAL

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes Adrian Gil, Defendant-Appellant and respectfully makes this motion
for new trial:

I.

In the interest of justice and based upon new case law, Defendant-Appellant Adrian
Gil suggests to the Honorable Court that a new trial is warranted in the instant
case.

II.

Defendant-Appellant respectfully invites the Honorable Court to consider the most recent case of *United States v. Daniels*, 5th Circuit, No. 22-60596, August 9, 2023.

III.

The facts of *Daniels* are like those in the case at bar. Trial Counsel, Ms. D. Butterworth, Esq. has preserved Gil's argument in her motion to dismiss, which was denied by order. Defendant-Appellant respectfully moves for a new trial, considering the ruling in *Daniels*, supra. *Daniels* strikes down, on the basis of the 2nd Amendment, the constitutionality of the statute under which Gil is convicted. The Honorable Court at bar, did not have the benefit of *Daniels* at the time of sentencing; and, Gil has preserved his issue.

WHEREFORE: Your Defendant-Appellant, Adrian Gil respectfully urges the Honorable Court to grant him a new trial in the interest of justice and in light of the new case of *Daniels*, cited above. Defendant Gil thanks the Honorable Court and wishes the Honorable Court well.

Respectfully submitted,

/s/ Matthew Rex DeKoatz

DATE: August 10, 2023

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CERTIFICATE OF DELIVERY

I hereby certify that on the below date, a true and correct copy of the above instrument was filed electronically with the Clerk of the Court using the CM/ECF system which will send notification to: Mr. Adam Hines, Esq., AUSA.

/s/ Matthew Rex DeKoatz

DATE: August 10, 2023

Matthew Rex DeKoatz, Attorney

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ORDER ON MOTION FOR NEW TRIAL

On this day, the Honorable Court considered Defendant-Appellant, Adrian Gil's motion for new trial. After due consideration, the Court is of the opinion that the motion should be granted/denied.

SIGNED and ENTERED this ____ day of _____, 2023.

The Honorable David Briones
District Court Judge
Western District of Texas.